



## MEMORANDUM

To: Kevin Connally  
U.S. Fish and Wildlife Services

From: Nathan Pence, Program Manager  
Edwards Aquifer Habitat Conservation Plan

Date: May 5, 2014

Subject: Implementation of Provision M of Permit TE63663A-0

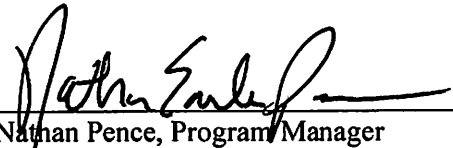
On behalf of the Implementing Committee of the Edwards Aquifer Habitat Conservation Program (EAHCP), this memorandum is to inform you that the Permittees of Permit Number TE63663A-0, have suspended habitat and riparian restoration activities as required by Provision M of the EAHCP Incidental Take Permit.

**As of May 2, 2014, all restoration activities have been placed on hold and all contractors have been notified to cease operations until the needed variances are granted by the U.S. Fish and Wildlife Services.**

Specifically, the Permittees have suspended the Habitat Conservation Plan (HCP) Conservation Measures that may result in the disturbance of the substrate, water quality, plants and animals or invertebrates of the Comal Springs, Landa Lake and the Comal River in the Comal Springs ecosystem and in the San Marcos Springs, Spring Lake and the San Marcos River in the San Marcos Springs ecosystem. The Permittees also have suspended Applied Research studies that are being conducted in the field to support the development of the HCP Ecological Model.

The Permittees are continuing to remove vegetation mats that form on Texas Wild Rice as specified in the HCP § 5.3.3 and are continuing to conduct biological and water quality monitoring activities to determine habitat availability and species impacts at low flow levels.

As stated above, the Permittees will be requesting variances from Provision M because it is believed that this disruption in conservation measure implementation will cause further unneeded Take to the Covered Species. As an example, the cessation of construction of the Flow Split Management infrastructure in the Comal Springs ecosystem will cause the City of New Braunfels to not be able to manage flows to the Old Channel of the Comal River during low flows.

  
Nathan Pence, Program Manager